REMARKS/ARGUMENTS

Claim 7, 9 and 11-15 are active in this application, claims 1-6, 8 and 10 having been cancelled. Claim 7 has been amended to include the limitations of claim 8. Claim 9 has also been amended to state what is meant by the term "wt%". New claims 11-15 further define the *Juniperus* plant being extracted, the parts of the plant which are being extracted, and the solvent used for extraction. These amendments are supported by the specification at pages 3-4 and the Examples. No new matter has been added by these amendments.

Applicants representatives would like to thank Examiner Flood for the courteous and helpful discussion of the issues in the present application on December 13, 2006. Applicants would like to thank Examiner Flood for the indication that the present application, as now amended, appears allowable. The above amendments and following remarks summarize and further expand on the content of the discussion of December 13, 2006.

The present invention relates to a method for inhibiting hair growth comprising administration to a surface of skin in need thereof, an effective amount of (i) a plant extract of the genus *Juniperus*, or (ii) a malt selected from the group consisting of rye malt and oat malt; or a mixture thereof. The plant extract is further required to be an extract of a solvent selected from water, an alcohol and mixtures thereof.

Claims 7-9 stand rejected under 35 U.S.C. 112, first paragraph for lack of enablement, and under 35 U.S.C. 112, second paragraph for indefiniteness. As noted during the discussion of December 13, 2006, Applicants have explicitly defined what is meant in the present invention by the phrase "plant extract" or "extract of a plant". In particular, the specification defines "plant extract" at page 14, beginning at line 1, which reads:

> "The term 'plant extract' as used herein, except the hydrolyzed almond, means a solvent extract available by extracting the above-described plant in the pulverized form with a solvent at room temperature or under heating, or extracting by an extractor such as Soxhlet extractor; or a diluted solution, concentrate or dry powder thereof."

Similarly, the phrase "extract of a plant" is defined at page 4, lines 8-12.

Applicants have further taught how to extract the plant, and even taught preferred portions of the plant to extract throughout the specification, such as at page 5, lines 4-6. However, these are noted as preferred portions of the plant, indicating that one may use other portions of *Juniperus* plants from which to obtain the extract. Applicants have amended the present claims to specify that the solvent used for the extraction is either water, alcohol or a mixture thereof, as also taught within the specification, and as claimed in cancelled claim 8.

As noted at the discussion of December 13, 2006, the structure of the claim, as now amended, was considered acceptable and allowable in parent patent 6,375,948, once there was an indication of the solvent used. Since Applicants have clearly defined what is meant by a "plant extract", the use of this term in the present claims is not indefinite, nor does it lack enablement. As such, the rejections of the claims under 35 U.S.C. 112, first and second paragraphs is believed to be obviated by the claims as now amended and should be withdrawn.

The rejection of claims 7-9 for obviousness-type double patenting is obviated by the filing herewith of a terminal disclaimer over US Patent 6,375,948. While there is overlap in the claims regarding the use of a plant extract of the genus *Juniperus*, it is noted that the types of malt provided in the present claims (rye malt and oat malt) are completely different from those in the '948 patent claims (wheat malt and barley malt). Accordingly, with the filing of the terminal disclaimer, the rejection should be withdrawn.

Applicants submit that the application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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